

**Before the  
Federal Communications Commission  
Washington, DC 20554**

<b>In the Matter of</b>	)	
<b>Implementing a Nationwide,</b>	)	<b>WT Docket No. 06-150</b>
<b>Broadband, Interoperable Public</b>	)	
<b>Safety Network in the 700 MHz Band</b>	)	<b>PS Docket No. 06-229</b>
	)	

To: Public Safety and Homeland Security Bureau

**REPLY COMMENTS OF THE STATE OF NEW MEXICO**

The State of New Mexico ("SONM") hereby submits the following reply to the comments responding to the Commission's March 17, 2010 Public Notice (DA 10-458) regarding the National Public Safety Telecommunications Council (NPSTC) Broadband Task Force (BBTF) and Public Safety Spectrum Trust (PSST) technical recommendations for 700 MHz public safety broadband deployments.

SONM is seeking authority to build and operate a statewide public safety system within the State of New Mexico as part of the 700 MHz interoperable national broadband public safety network. It is a matter of record that without SONM's direct involvement in the statewide buildout, it is likely that many areas of sparsely populated New Mexico will be among the last to be built out as part of the national public safety broadband network, or may never be constructed.

The comments in this proceeding by SONM and others establish that the technical framework created in the BBTF Report should be generally adopted as a means for moving forward with 700 MHz public broadband deployment on a regional and/or state-by-state basis, subject to continuing review by the Emergency Response Interoperability

Center (“ERIC”). Accordingly, SONM urges the Commission to grant expeditiously SONM’s waiver request. As the Commission is aware, the need for immediate action on SONM’s waiver is particularly urgent insofar as SONM’s Round Two Broadband Technologies Opportunities Program (“BTOP”) grant application is now under consideration by the National Telecommunications and Information Administration (“NTIA”) and could be adversely impacted by delay in granting the waiver.<sup>1</sup>

**THE RECORD SUPPORTS USING THE BBTF RECOMMENDATIONS AS A GENERAL FRAMEWORK FOR EARLY BUILDOUT, WITH ON-GOING INVOLVEMENT BY ERIC.**

There is general agreement among the commenters, including waiver applicants, manufactures and others, that the Commission should authorize portions of the nationwide interoperable network to be built out by early builders pursuant to the general technical framework established by the BBTF Report.<sup>2</sup> There is further agreement by many of the commenters that not all of the technical recommendations of the BBTF Report can or should be required at the outset of operations by the early builders and accordingly there needs to be continuing interaction with ERIC as the early builders proceed with the development of their portions of the national network.

As noted by IPWireless, many of the BBTF recommendations are made in the context of a long-term solution and are not necessarily appropriate for the early build out as they could take a significant amount of time to achieve.<sup>3</sup> Recognizing the need for

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<sup>1</sup> New Mexico Comments, at pp. 2-3.

<sup>2</sup> District of Columbia Comments, at p.2; Motorola Comments, at p. 1.

<sup>3</sup> IPWireless Inc. Comments, at p. 2.

flexibility and operational experience by the early builders to assist in the development of final technical standards, the commenters generally agree that the Commission should not require the early systems to deploy an extensive list of technical features.<sup>4</sup> As stated by the San Francisco Bay Area Region, “full implementation of *all* of the recommendations at the outset of service is not necessary as a prerequisite for 700 MHz public safety licensees to initiate service.”<sup>5</sup>

SONM agrees with those commenters who believe that interoperability is the most important functionality for the national system and all early builders should be committed to this goal.<sup>6</sup> While waiver applicants should be required to adhere to minimum requirements for interoperability, early builders should be allowed “sufficient flexibility to design networks that are responsive to their regional needs.”<sup>7</sup> As noted by Motorola, the most essential condition to ensure interoperability is for all systems to employ LTE technology.<sup>8</sup>

In light of emerging technical standards, the commenters recognize that ERIC will have an important and on-going role in the final development of technical standards for the early builders as well as the national network. These decisions should be made in coordination with the public safety community and other industry participants and with the experience gained from deployments by the early builders. As emphasized by

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<sup>4</sup> Motorola Comments, pp. 4.-5; IPWireless, Inc. Comments, at p. 3.

<sup>5</sup> San Francisco Bay Area Region Comments, at p. 2.

<sup>6</sup> See e.g. Motorola Comments at p. 3, “In all cases, conditions placed on the waivers, as well as the work of ERIC, should focus on interoperability.”

<sup>7</sup> Motorola Comments, at pp. 4-5.

<sup>8</sup> Motorola Comments, at pp. 2-3.

Motorola, “this approach allows local and regional public safety organizations to begin their network deployments immediately in order to address their pressing needs for these communications abilities.”<sup>9</sup>

Finally, SONM does not agree with Harris’ suggestion that the early building jurisdictions should receive only secondary licenses, which would potentially be upgraded to primary licenses only after compliance with future rules regarding technical requirements.<sup>10</sup> SONM understands that the goal of this suggestion is to help ensure that early builders will continue to update their networks to bring them into compliance with future rules as technical requirements develop. However, relegating early builders to secondary status is both unnecessary for achieving that goal and would have a chilling effect on early deployments; moreover secondary status is antithetical to the fundamental tenet of the BBTF Report, that early builders should stand in the shoes of the national broadband licensee to the maximum extent possible.

All Commission licensees are subject to complying with rule changes. SONM would expect as an early builder that it would continue to adjust and upgrade its system to meet the technical requirements of the national network and maintain compatibility with other operators as the national network rolls out. SONM would further expect that it would have a seat at the table as technical requirements are developed through ERIC, and a voice in helping to shape them.

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<sup>9</sup> Motorola Comments at p.4.

<sup>10</sup> Harris Comments at p.10.

## CONCLUSION

In view of the foregoing, SONM requests that the Commission grant a waiver of the 700 MHz rules to allow for the early construction and deployment of an interoperable 700 MHz public safety system in the State of New Mexico.

Respectfully Submitted,

STATE OF NEW MEXICO  
OFFICE OF THE GOVERNOR

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